

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

December 20, 2005

DIVISION ONE

Court convened at 9:00 a.m.

Present: Spencer, P.J., Vogel (Miriam A.), J., Mallano, J., Rothschild, J. and P. Gonzalez, Deputy Clerk.

Each of the following:

B174903/B181120	People v. Castillo & Galarza
B178294	People v. Whyte
B178309	People v. Lampkin
B178418	People v. Torres
B178671	People v. Brandon Lee G.
B178901/B180117	People v. Smith & Montgomery
B178992	County of Los Angeles v. Harco National Insurance
B179031	People v. Mazariego
B179286	People v. Ward
B179659	People v. Ayala
B180007	People v. Hopkins
B180254	People v. Simms
B180517	People v. Gandy, Phillips & Nash
B180799	People v. Jones
B180974	People v. Keith T.
B182010	People v. Medina
B182533	DCFS v. Tiffany G.
B182596	People v. Sanchez
B182606	People v. Johnson
B182836	Moshiri v. Aimers
B183160	People v. Sandoval
B183443	DCFS v. T.L.
B183736	DCFS v. Frances O. & Michael O.
B185909	Debbie G. v. SCLA (DCFS, rpi)

Argument waived, cause submitted.

December 20, 2005 (Continued)

DIVISION ONE (Continued)

B176311 Buckberg et al. v. Becker

Argument continued to the January 2006 calendar.

B165647 Wilson, et al.

B168051 v.

B170102 Black, et al.

B172914

Matters continued to January 24, 2006.

B179625 Kihm, III, v. Roberts & Gutierrez et al.

Matters continued to January 24, 2006.

B178743 Coalinga Regional Med Ctr v. Dept of Health Services

B175018 Moore v. Avaya Inc., et al.

B177980

Matters continued to January 25, 2006.

B175575 Mortensen v. Brennan

Matter ordered off calendar, appeal dismissed.

B182519 People

v.

Armando Contreras Jr.

Merits:

Argued by Richard L. Fitzer for appellant and by Daniel Chang, Deputy Attorney General for respondent. Cause submitted.

DIVISION ONE (Continued)

B177822 Harold Register, Jr.
 v.
 Elizabeth Prudhomme

Merits:
Argued by John A. Lawrence for appellant and by Raphael A. Rosemblat
for respondent. Cause submitted.

B179910 Lesley Ann Brandenburg, a Minor, etc., et al.
 v.
 Los Angeles Unified School District

Merits:
Argued by Gary G. Kleep for appellants and by Frederic D. Woocher for
respondent. Cause submitted.

B177590 People
 v.
 Christopher Simmons

Merits:
Argued by Kevin D. Sheehy for appellant and by Viet Nguyen, Deputy
Attorney General for respondent. Cause submitted.

Mallano, J., leaves the bench.

B179662 Anderson, McPharlin & Connors
 v.
 Steven R. Yee

Merits:
Argued by Frank E. Marchetti for appellant and by Michael S. Robinson for
respondent. Cause submitted.

Mallano, J., returns to the bench.

Vogel, J., leaves the bench.

DIVISION ONE (Continued)

B175089 People
 v.
 Monica Diaz

Merits:
Argued by Dan Mrotek for appellant and by Michael R. Johnsen for
respondent. Cause submitted.

Vogel, J., returns to the bench.

Rothschild, J., leaves the bench.

B177536 B.A.G. Investments, Inc. et al.
 v.
 Hi-Tech Roofing, Inc.

Merits:
Argued by J. David Petrie for appellant and by Charles R. Messer for
respondent. Cause submitted.

Rothschild, J., returns to the bench.

B179819 Marathon Entertainment, Inc.
 v.
 Rosa Blasi et al.

Merits:
Argued by Donald V. Smiley for appellant and by Michael J. Plonsker for
respondent. Submission deferred, further briefing allowed. Supplemental
briefing for respondents due 1/6/06, and reply by appellant due 1/13/06.

DIVISION ONE (Continued)

B176997 Lois L. Alva et al.
 v.
 Susan Ballantyne et al.

Merits:

Argued by Eliot Lee Grossman for appellants and by Kenneth P. Scholtz for respondents. Cause submitted.

Spencer, P.J., leaves the bench.

B179964 Madelaine Louise Mendelsohn
 v.
 Howard Mendelsohn

Merits:

Argued by John D. Schenck for appellant and by Edward J. Horowitz for respondent. Cause submitted.

B174280 Carmelia Frias
 v.
 Ralphs Grocery Co.

Merits:

Argued by Norman Pine for appellant and by Paul Lipman for appellant. Cause submitted.

Court adjourned.

B178675 Angelika Taschen
 v.
 Benedikt Taschen

Filed order denying petition for rehearing.

DIVISION ONE (Continued)

B175408 Cheryl Lynn Stephen
v.
Motor Company & Bridgestone/Firestone North America LLC

Filed order denying petition for rehearing.

B176725 Joyce English
v.
Robert McKenna

Filed order denying petition for rehearing.

B173711 Mehmood Darjee
v.
Laboratory Corp. of America

Filed order denying petition for rehearing and request for publication.

DIVISION TWO

B180603 Mercury Plastics
v.
Rabchev et al.

Filed order modifying opinion. Petition for rehearing is denied. (Change in judgment)

B180479 In re: William G. Jr.
Los Angeles County, D.C.S.
v.
William G., Sr.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION THREE

B184913 People (Not for Publication)
v.
Nolen

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B183078 People (Not for Publication)
v.
English

The judgment (order revoking probation) is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

B177637 Gonzalez (Not for Publication)
v.
Roadway Express, Inc., et al.

The order is affirmed. Plaintiff Gonzalez is also to recover costs and attorney fees on appeal. (*Akins v. Enterprise Rent-A-Car Co.*, supra, 79 Cal.App.4th at p. 1134 ["Statutory authorization for the recovery of attorney fees incurred at trial necessarily includes attorney fees incurred on appeal unless the statute specifically provides otherwise."].) The matter is remanded to the trial court with direction to conduct a hearing to determine the reasonable amount of attorney fees and costs to be awarded to plaintiff Gonzalez in relation to this appeal.

Kitching, J.

We concur: Klein, P.J.
Aldrich, J.

DIVISION THREE (Continued)

B174376 People (Not for Publication)
v.
Vasquez, et al.

As to Vasquez, the term imposed in count three is ordered stayed and the sentence imposed on counts one and two is modified to reflect a term of life, plus 25 years to life in state prison on each count. As so modified, the judgment as to Vasquez is affirmed. The clerk of the superior court shall prepare and forward to the Department of Corrections an amended abstract of judgment reflecting the above modifications.

As to Ruiz, the term imposed in count three is ordered stayed and the great bodily injury enhancement under section 12022.7 that was imposed and stayed with respect to counts one and two is ordered stricken; the matter is remanded to permit the trial court to resentence Ruiz with count four as the base term.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

B176459 Fidelity and Deposit Co. of Maryland (Not for Publication)
v.
Dayan, et al.

The judgment is affirmed. Dayan and Paz are to recover their costs on appeal from creditor.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

DIVISION THREE (Continued)

B184198 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Stacy E.

The orders from which Mother has appealed are affirmed.

Croskey, J.

We concur: Klein, P.J.
 Aldrich, J.

B176519 Tual (Not for Publication)
 v.
 Mesereau, Jr.

The orders from which appellant has appealed are affirmed. Costs on appeal to plaintiff.

Croskey, J.

We concur: Klein, P.J.
 Aldrich, J.

DIVISION FOUR

B176846 Major (Certified for Publication)
 v.
 Silna

The order denying an award of attorney fees and costs is reversed, and the matter is remanded to the trial court for further proceedings in accordance with this opinion. Appellant is awarded his costs and fees on appeal. (*Evans v. Unkow* (1995) 38 Cal.App.4th 1490, 1497.)

Curry, J.

We concur: Epstein, P.J.
 Hastings, J.

DIVISION FOUR (Continued)

B180016 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Fanny G.

The order denying the petition for modification is affirmed.

Curry, J.

We concur: Epstein, P.J.
 Willhite, J.

B177089 Green (Not for Publication)
 v.
 Green

The order appealed from is reversed. Appellant shall recover her costs on appeal.

Willhite, J.

We concur: Hastings, Acting P.J.
 Curry, J.

DIVISION FIVE

B182438 Martin Schultz (Not for Publication)
 v.
 Fulton Associates

The judgment is reversed. Appellant(s) to recover costs.

Turner, P.J.

We concur: Armstrong, J.
 Kriegler, J.

DIVISION SIX

B175432 City of Solvang (Not for Publication)

v.

Calif. Public Employees' Retirement System et al.,

The judgment is affirmed. Costs on appeal are awarded to respondents.

Coffee, J.

We concur: Gilbert, P.J.
 Perren, J.

B178273 Nancy C.S. (Not for Publication)

v.

Bernadette M.

The judgment is affirmed. Costs to respondent.

Yegan, Acting P.J.

We concur: Coffee, J.
 Perren, J.

B182208 Guajardo (Not for Publication)

v.

Flores

The judgment is affirmed. Respondent is awarded costs on appeal.

Yegan, Acting P.J.

We concur: Coffee, J.
 Perren, J.

DIVISION SIX (Continued)

B178977 People (Not for Publication)
 v.
 Tezak

The judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.
 Perren, J.

DIVISION SEVEN

B183024 People (Not for Publication)
 v.
 Evelyn G.

The judgment is affirmed.

Woods, J.

We concur: Johnson, Acting P.J.
 Zelon, J.

B179017 People v. Rayford
B181549 People v. Glass

Filed order consolidating above captioned appeals.

December 20, 2005 (Continued)

DIVISION EIGHT

B180791 People (Not for Publication)
v.
Handy

The judgment is affirmed.

Flier, J.

We concur: Cooper, P.J.
Boland, J.